

Appl. No. : 08/841,847  
Filed : May 5, 1997

perfluorodimethylcyclopentane, perfluorotrimethylcyclobutane, perfluorotriethylamine and combinations thereof.

109. A microbubble preparation comprising a aqueous medium having dispersed therein a plurality of osmotically stabilized microbubbles, said microbubbles comprising:

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a generally spherical microbubble membrane containing at least one gas osmotic agent and at least one modifier gas, wherein said gas osmotic agent and said modifier gas are present in a fixed molar ratio effective to stabilize said microbubble preparation, with the proviso that said modifier gas is not water vapor, and wherein said gas osmotic agent comprises the vapor of a compound which is a liquid at 37°C and 760 Torr.

123. (Twice amended) A microbubble preparation comprising a aqueous medium having dispersed therein a plurality of osmotically stabilized microbubbles, said microbubbles comprising:

a generally spherical microbubble membrane comprising proteinaceous material containing at least one gas osmotic agent having from about three to about eight carbon atoms and at least one nonfluorocarbon modifier gas, wherein said gas osmotic agent and said modifier gas are present in a fixed molar ratio effective to stabilize said microbubble preparation, with the proviso that said modifier gas is not water vapor.

#### REMARKS

Claims 62, 66-76, 79-91, 94-126, and 131-154 are pending and stand rejected in the above-referenced application. Claims 62, 109, and 123 have been amended.

The United States Patent and Trademark Office (PTO) has rejected claims 62, 66-76, 79-91, 94-126, and 131-154 under 35 U.S.C. § 103 as being unpatentable over Lambert et al. (5,552,133), Quay (5,573,751), and Schneider et al. (5,413,774) for reasons of record stated in the Office Action dated December 22, 1998. Applicants respectfully traverse the rejection and request reconsideration of the claims in view of the amendments and remarks herein.

To articulate a *prima facie* case of obviousness, the PTO must, *intra alia*, cite prior art that teaches or suggests all the claimed limitations. *In re Royka*, 490 F.2d 981 (CCPA 1974). The PTO asserted *prima facie* obviousness based on Lambert et al. that teaches protein encapsulated microbubbles and that a mixture of gases may be used therein. Further, the PTO